THE MARQVES OF CLANRICKARDS ENGAGEMENT

Of the nineteenth of November, 1646.

VPon the engagement and Protestation of the Generalls Nobilitie and Officers of the Confederate Catholiques Forces hereunto annexed, I *Vllycke*, Marques of *Clanrickard*, doe on my part, solemnly bind and engage my selfe, unto them, by the reputation and honour of a Peere, and by sacred Protestation upon the faith of a Catholique, in the presence of Almighty God, that I will procure the ensuing undertakings to be made good unto them, within such convenient time, as securities of that nature, which are to be fetcht from beyond, can well be procured, and at the furthest by the first day of September next ensuing the date hereof, or failing therein to unite my selfe to their parties, and never to sever from them, and these their Interests till I have secured them unto them.

First, That there shall be a revocation by act of Parliament of all the Lawes in force within this kingdome, in as much as shall concerne any penaltie, inhibition or restraint upon Catholiques, for the free exercise of their Religion

Secondly, that they shall not be disturbed in the enjoyment of their Churches, or any other Ecclesiasticall possessions which were in their hands at the publication of the late Peace, untill that matters with others referred already, receive a settlement upon a declaration of His Majesties gracious intentions in a free Parliament held in this kingdome, His Majestie being in a free condition himselfe.

Thirdly, And I doe further engage my selfe never to consent to any thing that may bring them in hazard of being dispossessed, and never to sever from them, till I see them so secured therein, either by Concession or by their trust and po-

wer in the Armies and Garisons of this kingdome, as to put them out of all danger of being dispossessed.

Fourthly, And I doe further engage my selfe, that forthwith there shall be a Catholique Lieutenant Generall of all the Forces of the kingdome invested by His Majesties authoritie, and that the Generalls or either of them signing to the said engagement shall be forthwith invested by His Majesties Authoritie with principall Commands worthy of them, in the standing Army of this kingdome, and likewise in some important Garisons now under His Majesties obedience, and that a considerable number of the Confederate Catholique Forces shall immediatly be drawne into all the Chiefe Garisons under His Majesties obedience; And I doe further assure proportionable advantages to such of any other Armyes in this kingdome, as shall in like manner submit unto the Peace and His Majesties authoritie.

Fistly, This for securitie of as many of those particulars, as shall not forthwith be performed; and made good unto them by the Lord Marques of *Ormond* His Majesties Lieutenant Governor of this kingdome, I will procure them the Kings hand, the Queene and Prince of Wales His engagement; and an engagement of the Crowne of *France* to see the same performed unto them.

Sixtly, And further, for their assurance that my Lord Lieutenant shall engage himselfe punctually to observe such free Commands as he shall receive from His Majestie, to the advantage of the Catholiques of this kingdome, or during the kings want of freedome from the Queene or Prince of Wales, or such as shall be signified to him as the Kings positive pleasure by the Lord *Digby*, as principall Secretarie of State; And further that whilest the King shall be in an unfree Condition, he will not obey any orders, which shall be procured from His Majestie, by advantage of His Majesties want of freedome, to the prejudice of what is undertaken.

And Lastly, I doe protest that I shall never esteeme my selfe discharged from this engagement, by any power or authoritie whatsoever.

Provided on both parts, that this engagement and undertaking

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king be not understood or extended to debarre or hinder His Majesties Catholique Subjects of this kingdome, from the benefit of any further graces and favours which His Majestie may be graciously enduced to concede unto them, upon the Queens Majesties mediation, or any other treatie abroad with His Holinesse.

And I doe further engage my selfe to imploy my utmost endeavour and power by way of petition, solicitation, and persuasion to His Majestie to affoord all the Subjects of this kingdome, that shall appeare to have been injured in their estates redresse in the next free Parliament.

And I doe also further undertake, that all persons joyning, or that shall joyne in the present engagement shall be included in the act of Oblivion promised in the articles of Peace for any acts done by them since the publication of the said Peace unto the date of the said engagement. Signed *Clanrikard.*

BY THE COVNCELL AND CONGREGATION.

Kilkenny 24. *November*, 1646.

WEE taking into consideration an Instrument intituled *the Marques of Clanrickard his Engagement of the nineteenth of Novermber*, 1646. doe first observe that his Lordship is qualified with no knowne authoritie that might enable him to make good the undertakings therein expressed (if they did containe advantagious Concessions) as they doe not, and then let any man judge that looks with an indifferent eye whether the Peace of a kingdome to follow thereupon be grounded on sufficient fundation.

The next to be considered is the third Article, where it is

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expreſt, that there ſhall be a revocation of all the lawes in force in this kingdome in as much as ſhall concerne any penaltie, inhibition or reſtraint upon Catholiques for the free exerciſe of their Religion.

Theſe words ſeeme plauſible, but he that will looke into the Statute of 2. *Elizabethæ* in the 1. 2. 3. and fourth Chapters, and other the Statutes of force within this kingdome, will find that no Biſhop can be made or conſecrated, or doe the office of a Biſhop in conferring orders of Prieſthood, or granting diſpenſations or faculties, or any Prieſt exerciſe his Function after the Rites of the Roman Catholique Church by authoritie of the Sea of Rome, but that by expreſſe words of the ſaid Statute of 2. *Eliz.* in one of the ſaid Chapters, the firſt offence of that nature is under paine of *Premunire*, which extends to impriſonment during life, and the forfeiture of goods and lands, the ſecond offence is Fellony, and the third offence againſt that law is High-Treaſon in the principalls abetters, relievers, and maintainers, &c. and the words of the ſaid firſt Article doe extend onely to the revocation of the penalties againſt the exerciſe of Religion, which will not take away the branches of thoſe lawes, that are againſt the exerciſe of Spirituall Iuriſdictions, or functions, ſo as all our Prelates and Prieſts are left ſubject to the former dangers, which doubtleſſe the Confederate Catholiques did intend to free them from upon the taking of their oath of aſſociation, by one of the Chapters of that Statute of 2. *Eliz.* Catholique Service or Maſſe is excluded out of the Churches, and the Common Prayer Booke which the Proteſtants uſed, introduced, and cleerely for any thing mentioned in the ſaid firſt Article, no Maſſe can be ſaid in any Church without incurring the penaltie ordained by that law, and thoſe that are verſed in the late treatie with the Lord Lieutenant doe well know, and all others that ſaw an Inſtrument ſent by the Lord Lieutenant in a letter of the ſeventh of Auguſt, 1644. importing a briefe of Collections, whereby the ſinging, ſaying and hearing of Maſſe, was granted, may obſerve that notwithſtanding that Conceſſion the Lord Lieutenant, did adde a *Proviſo* that no Maſſe ſhould be ſaid or ſung, in Churches Cathedrall or Parochiall, or Chappell thereunto belonging.

belonging, by meanes whereof, and of an expresse derogation to grant the Catholiques libertie to have a Catholique Bishop by any authoritie from the Sea of Rome, and for want of other Concessions in matters of Religion without *Provisoes* of Glose, that would spoyle them, matters of Religion, were referred by the late Articles to further or other Concessions, and as we are taught by the tenents of Catholique Doctrine, that there can be no Catholique Religion nor essentiall parts thereof without Bishops, who in matters of Religion depend and ought to depend of the Sea Apostolique, and without Priests made by such Bishops, or the Pope himselfe, nor the Sacraments administred without such Prelates, and Pastors, therefore the exercise of Religion as to those, and severall other particulars essentiall ought to be made certaine; or else that the said Statuts of 2. *Eliz.* and the Statuts of Faculties 28. *H.* 8. be totally repealed as to His Majesties Roman Catholique Subjects, and a provision made by act of Parliament for Roman Catholique Bishops and Pastors to be and remaine in this kingdom with impunitie.

Vpon consideration of the second Article, where it is expresst that they shall not be disturbed in the enjoyment of their Churches or any other Ecclesiasticall possessions, which were in their hands at the publication of the late Peace, untill that matter with other referred alreadie, receive a settlement upon a Declaration of His Majesties Gracious intentions in a free Parliament held in this kingdome, His Majestie being in a free Condition himselfe. It is apparant by this second Article, besides what is said before, that the first Article concerning the revocation of the penal lawes is not intended by the undertaking of that engagement to extend to the taking away of the penall Lawes that prohibit Masse to be said in Churches, and seemeth as to the Churches to put us by our owne assent, to this Proposition, in worse Condition than we were by the late rejected Peace for then and still we have the resolution of the Generall Assembly expressed in an order to hold our Churches alwayes and not to part with them, and now if this second Article were agreed on, wee expresse onely a promissive enjoying of them untill Parliament, and so are left as to that in a

worse Condition then before, and even untill Parliament it selfe, there is no securitie at all for Churches or Church-livings within our Quarters other then the undertaking of the said Lord Marques of *Clanrickard*, who is subject to mortalitie, and changes, as other mortall men, and who was never yet of our union, and admit this were an assurance untill Parliament, the same will fall, on the Kings Declaration to the Contrary, if in a free Condition, which Declaration to be contrary, may probably be expected so long as His Majestie is of a different Religion, and before that Parliament be, all persons engaged or to be engaged, are subject to mortalitie, upon all which we see no securitie at all for Churches or Church-livings.

As to the third, it contayneth no Concession, and is but an engagement of the said Lord Marques his word, which is uncertaine and unsafe to rely on, without mentioning what Garisons, and what Catholiques in them, and what number and by whom they are to be Commanded in regard the Commander in chiefe may by his order remove or alter them as he sees cause, without looking after the Lord Marques of *Clanrickard* for advise or consent, and in effect, if the number to be put into Garison be not so ascertained that it may master the rest there from the Protestant partie, it is but to offer our men to the slaughter, and expose our selves to what Conditions they please, our Army abroad being thereby diminished, and the partie put into Garison, subject to be removed at the pleasure of him that shall Command in Chiefe.

As for the fourth, whither the Catholique Lieutenant Generall be of the Catholique union, or faithfull to the same, and what Commands to be canferred on our Generalls or Commanders, or upon which of them, or for what time to continue, or to what Chiefe Garisons they shall be drawne, or in what number, or how long they shall continue there, are wholly uncertaine, and all the particulars are alterable, and subject to the will and plesure of the Chiefe governour for the time being.

The fifth onely is matter of securitie and mends not the conditions granted, if the same were obtained as is propounded, and if our union were dissolved by any agreement

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before performance, what meanes is left us to expect or obtaine performance, and certainely where the Lord Marques of *Clanrickard* grounds all he doth in this on his owne undertaking without warrant from His Majestie, We cannot prudently suppose (having no other grounds for it) but His Majestie will disavow it, when he did disavow the undertaking of the Earle of *Glamorgan* to the Confederate Catholiques made more solemnly to the persons wherewith the goverment was entrusted, and who had thus far an advantage beyond the Marques of *Clanrickard*, that his Lordships the Earle of *Glamorgans* Concessions were grounded on His Majesties knowne authoritie under His Seale Manuall, and attested with His Royall signature: Whereas the Marques of *Clanrickard* goeth onely on his owne undertaking.

As to the sixt it contained no certaine Command or order which may in future be had from His Majestie and being an uncertaine contingencie needeth no answer.

As to the seventh concerning his Lordships undertaking to solicite for redresse to be had in the next Parliament, therein wee find no manner of assurance for all those, who unjustly lost their estates in *Ireland*, other then, that the Lord Marques of *Clanrickard* will petition, solicite, perswade, and use his best endeavours, whereof no man is Iudge but himselfe, and the event and engagement uncertaine, and the act of oblivion being onely by that Instrument of engagement to extend to those that shall joyne therein, and which engagement is now suddenly expected to be concluded there; all others of the Nation that are absent, who cannot joyne therein so suddenly, and are not privy, are left open to the danger of the extremities of the law both for their lives and estate.

And lastly, we conclude, that the generall Assembly now at hand is the only meane left to conclude a certaine stable peace, in this kingdome, and no private or particular undertaking of any Subject unqualified with any appearing authority: Besides the former inducements to satisfie you, you ought seriously to consider that the Earle of *Glamorgans* Concessions grounded on His Majesties authoritie and reade in the generall Assembly held in Lent last, and on which they wholly relyed, will by these

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Propositions (if accepted) be absolutly waved contrary to the intention of the whole kingdome which we desire may be seriously reflected on, amongst the rest, those Concessions by many degrees being more valuable, and grounded on cleerer authority, then the offers, or undertakings now made.

Joan. Bapt. Archiepiscopus Firmanus Nuncius Apostolicus.

Fr. Clonfert. *Emer. Clogherensis.* *Lismor.*

Fr. Pa. Plunket *Alex. Mac Donnell.* *N. Plunket.*

Rob. Lynch. *Piers Butler.*

By the Councell and Congregation.

WHereas an Instrument intituled the Engagement of the Marques of Clanrickard *of the nineteenth of November was presented unto us, importing Propositions to induce the Confederate Catholiques, to a Peace, on those tearmes, to the defects and uncertainties whereof exceptions are offered and what further is necessarie for the setling of the Catholique Religion, and the good of the Nation otherwise and to the end all the Confederate Catholiques may cleerely see what those offers and answers are at full, We have directed them to be sent to the presse, and dispersed.*

FINIS.